UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,215	08/28/2000	Allan Lamkin	68570	7416

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EXAMINER
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ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/649,215	LAMKIN ET AL.
	Examiner	**Art Unit**	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 July 2005_.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-10_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-10_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _20050912; 20050909_.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed 7/15/2005.

    Claims 1-10 have been submitted for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-10 rejected under 35 U.S.C. 102(b) as being anticipated by Tahara et al., USPN:

5,909,551 (hereinafter Tahara)..

    As per claim 1, Tahara discloses a method for combining video/audio content with

programmatic content, comprising:

        generating a authoring output, a representation of the video/audio content, the

representation defining how the video/audio content is to be displayed (e.g. elements *2301, 2305,*

2306, 2307 – Fig. 23; *display means 507, 1006* - Fig. 10); the authoring output comprising

definition of a variable (e.g. Fig. 27-28 – Note: IMG SRC=, A HREF= tags read on variable

being defined)

replacing the variable with the definition for the variable (e.g. Fig. 27a, 27b; col. 17,

lines 44-46; col. 17, line 41-52 to col. 18, line 8 – Note: variable enclosed and defined within

markup tags and being replaced by corresponding html page/file or image data reads on

replacing variable < ... /> with its definition being enclosed);

generating programmatic content (HTML 2306; PC 2307 – Fig. 23);

generating an image (Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the

programmatic content and representation of the video/audio content and combining the image

with the video/audio content (e.g. col. 16, lines 15-55; col. 19 lines 1-57);

Tahara discloses storing source files in a directory structure wherein specific browser

type of files are evoked from the user choosing of a button (e.g. *INDEX.HTML* - col. 17, line 34-

40, 50-52); hence this choosing action by the user reads on selecting a source file.

Tahara does not explicitly disclose searching the source file for the variable.   But Tahara

discloses that each hyperlinked definition inside a markup source file (see Fig. 27-28) wherein a

tagged variable is automatically processed and replaced (e.g. *data is displayed* - col. 17, lines 44-

46; Fig. 24-26; col. 17, line 53 to col. 18, line 8 – Note: index.html tags or hyperlinked variables

according to SGML/HTML standard read on variables being replaced) by various form of data --

for viewing purpose (step 1105 – Fig. 11; col. 16, lines 39-47; Fig. 26-28) in the user-driven

interactive program.   Thus, Tahara has disclosed replacing the variable with the definition for the

variable.   As for the searching of a hyperlinked variable defined in a markup source document

(see Fig. 27a, 27b), the browser scanning through the hierarchy of the hypertext and resolving its

HTML tags according to WWW standards for retrieving the defined data underlying such

hyperlink (col. 16, lines 39-47) will read on search for definition of the hyperlink variable in the

source file (col. 17, lines 44-46); hence Tahara discloses searching the source file for the variable

owing to a inherent traversal of tree and look for tags in WWW/HTML tag processing by

browser.

As for the limitation on 'generating programmatic content in response to said searching',

Tahara discloses browser processing based on the user triggering of HTML file in which

hyperlinked variables (e.g. col. 17, lines 56-64; Fig. 27) are set for defining external data or other

source files (col. 18, lines 23-27, 46-52) which are to be displayed following the interactive

selection by the user; and resolving of hyperlinked variables --from that browser in response to

that selection --into displayed content to be finally stored or recorded into the different section of

image medium 2301 (Fig. 23; col. 19 lines 1-57). Thus, Tahara has disclosed generating

programmatic content (generating programmatic content (HTML 2306; PC 2307 – Fig. 23) in

response to the searching based on browser processing of tagged link.

As per claim 2, Tahara discloses storage medium (Fig. 23)

As per claim 3, Tahara discloses transmission medium (Fig. 1, 23 – Note: hardware

linking storage medium in computer reads on transmission medium)

As per claims 5 and 6, Tahara discloses searching at runtime (e.g. Fig. 26; *definition*

...selection button ... linked to file ... INDEX.HTML, RETURN.GIF - col. 17, line 53 to col. 18,

line 8- Note: parsing HTML tags using a browser methodology reads on runtime browser)

As per claim 7, Tahara discloses executing a DVD being inserted (e.g. Fig. 2, 23)

As per claim 8, Tahara discloses a system for combining video/audio content with

programmatic content, comprising means for:

replacing the variable with the definition for the variable (e.g. Fig. 27a, 27b; col. 17,

lines 44-46; col. 17, line 41-52 to col. 18, line 8 – Note: variable enclosed and defined within

markup tags and being replaced by corresponding html page/file or image data reads on

replacing variable < ... /> with its definition being enclosed);

generating programmatic content (e.g. *HTML 2306; PC 2307* – Fig. 23);

generating an image (Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the

programmatic content and representation of the video/audio content, the representation defining

how the video/audio content is to be displayed (e.g. col. 16, lines 15-55; col. 19 lines 1-57); and

combining the image with the video/audio content (e.g. col. 16, lines 15-55; Fig. 23).

But Tahara does not explicitly disclose searching a source file for the variable prior to

replacing the variable with its definition; nor does Tahara explicitly disclose generating

programmatic content in response to said searching. However, this limitation has been addressed

as being disclosed in claim 1 above.

As per claim 9, Tahara discloses a system for combining video/audio content with

programmatic content, comprising:

a parser for replacing the variable with the definition for the variable (e.g. Fig. 27a, 27b;

col. 17, lines 44-46; col. 17, line 41-52 to col. 18, line 8– Note: variable enclosed and defined

within markup tags and being replaced by corresponding html page/file or image data reads on

replacing variable < ... /> with its definition being enclosed);

an image engine for generating programmatic content (e.g. *HTML 2306; PC 2307* – Fig.

23);

for generating an image (Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of

the programmatic content and representation of the video/audio content, the representation

defining how the video/audio content is to be displayed (e.g. col. 16, lines 15-55; col. 19 lines 1-

57); and

a formatter for combining the image with the video/audio content (e.g. col. 16, lines 15-

55; Fig. 23).

But Tahara does not explicitly disclose parser searching a source file comprising the

variable prior to replacing the variable with its definition; nor does Tahara disclose generating

programmatic content in response to said searching. However, this limitation has been addressed

in claim 1 above.

As per claim 10, this claim is a system version of claim 1 and recites module to perform

the limitations of claim 1; hence incorporates all the corresponding rejection as set forth therein.

Response to Arguments

5.   Applicant's arguments filed 7/15/05 (hereinafter RM1) and remarks filed 8/15/05

(hereinafter RM2) have been fully considered but they either moot in view of the new grounds of

rejection or not persuasive. Following are the examiner's observations in regard thereto.

Rejection 35 USC § 103:

(A)   Applicants have submitted that there is lack of prima facie in the office Action (RM1:

pg. 2-3). The rejection now is based on anticipation not an obviousness rejection. Further,

Applicants have submitted that link/tag is NOT generating programmatic content nor is it so in

response to the searching as claimed; and that the HTM files being shifted to by Tahara are not

generated but merely opened (RM1: pg. 4, top) and that existing tags IMG SRC, A HREF are

not being generated so that there is no generation of programmatic content in response to any

searching (RM1, pg. 4, bottom, pg. 5, top). The current rejection has it explained that Tahara's

browser processing of tags in a HTML file reads on searching for a variable being defined; and

based on the replacement of such definition with content being rendered for a user's viewing (

see col. 17, line 40 to col. 18, line 52). The rejection has also pointed out that after selecting the

different image or external data that have been rendered as a result of the HTML tags processing,

the user stores these content in sections of the medium of Fig. 23, area 2305, 2307, and 2307; at

least 2 among which (e.g. HTML 2306; PC 2307) read on programmatic content. Hence, there is

teaching of a traversal of tags and looking for data being defined under the hyperlinked variables,

and based on the ensuing rendering (or replacement with definition of such variables) of content

as a result of such tag processing, such content is being accepted by the user and therefore stored

in the medium wherein some of this content is programmatic (col. 19, lines 1-34). In other

words, a variable is being searched and the definition of which is replaced with appropriate data

for the user to view in order to whether or not store (Note: selectively storing and assembling

data fetched from various sources – see Fig. 14-15 - into a final content reads on generating of

such content, i.e. no preexisting content is maintained in the CD medium after such customized

action) such as one of the plurality of programmatic parts of the delivered medium as set forth in

the image of Fig. 23. The 'searching ... generating as a response ... programmatic content'

limitation is thus disclosed.

In response to the remarks of RM2: pg. 2 about Tahara not disclosing 'replacing the

variable ... generating programmatic content' and the Examiner's not being able to justify how

Tahara is teaching this, the present rejection has set forth a different way of analogizing the

above limitation using Tahara's teaching; and most of this has been addressed above.

(B)   Applicants have submitted that displaying of buttons by Tahara is not same as 'definition

of variable' and selecting of the displayed KEY by the user does not accomplish replace

anything (RM1: pg. 5, middle and bottom) and that there is no replacing as a result of a

searching in the shifting as a result of button selecting as propounded by the Office Action

(RM1: pg. 6, top, middle). The current rejection has made it clear that the variable is the

hyperlinked variable in the opened HTM file triggered by the user selection; and the ensuing

action using the browser to shift to different contents based on the action of the user is performed

by the inherent tag processing which includes search and replacing of found tags definition with

its content as set forth above. The resulting effect of such search and content rendering is

enabling the user to store such content one by one into the programmatic portion of the final

delivered medium. The arguments about buttons and variables or lack of prima facie are moot in

light of the new grounds of rejection.

(C)   Applicants have submitted that Tahara's shifting between displayed files upon selection

of buttons; and this is not 'generating of programmatic content ... in response to the search'

(RM1: pg. 7-8). These arguments fall under the ambit of the subject matter that has been

addressed in sections A and B above.

        Further, Applicants have remarked (RM2: pg. 3) that Examiner's logic is disassociating

the relationships of the claim limitations and that Examiners' viewpoint only amounts to linking

of tags is not 'generating of programmatic ... in response ... search'. The argument will be

referred to the above sections because of the new grounds of rejection which are founded based

on broad interpretation from one skill in the art in light of explicit and implicit teachings at the time the invention was made and of known concepts in the useful arts.

For the above reasons, the claims stand rejected as set forth in the Office Action.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 703-872-9306 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT

October 4, 2005

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